IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 12362 of 2004

Between:

Dasari Sree Ramulu S/o Venkaiah,
Mabbugunta Palem, Dagadarthi Mandal, Nellore District

.... PETITIONER

AND

1 Superintendent of Police, Nellore, Nellore District
2 Bathala Prasad S/o Kondaiah
Mabbugunta Palem, Dagadarthi Mandal, Nellore District
3 Bathala Seenaiah S/o Kondaiah
Mabbugunta Palem, Dagadarthi Mandal, Nellore District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order more particularly one in the nature of Writ of mandamus declaring the action of the 1st respondent to act up on the representation of the petitioner and his brothers dt. 21/06/2004 to order impartial investigation by any of his subordinate Police officers or make investigation personally in Crime No.53/2004 registered U/s 302 r/w.34 of IPC against the respondent Nos.2 and 3 and their father Kondaiah who was already arrested as illegal, arbitrary, and unjust and in violation of Section 154(3) of Code

of Criminal Procedure and Articles 14 and 21 of the Constitution of India and consequently direct the 1st respondent to take necessary action in accordance with law in the above said crime and pass such other order or orders in the interests of justice.

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for the Respondent No.1: GP FOR HOME

Counsel for Respondents 2 & 3: None appeared.

The Court at the stage of admission made the following:

O R D E R:

The petitioner seeks permission of the Court to withdraw the writ petition with liberty to file a private complaint before the Magistrate concerned. Accordingly granting leave to the petitioner, the Writ Petition is dismissed as withdrawn. No order as to costs.

Dated: 03rd August 2004

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1) The Superintendent of Police, Nellore,

2) 2 CCs to G.P for Home, High Court of A.P., Hyderabad (OUT)

3) 2 CD copies

RAR/GBS